



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant(s): Leonard R. Bayer et al.

Serial No.: 09/882,203

Filed: June 15, 2001

For: SYSTEM AND METHOD FOR CONDUCTING PRODUCT
CONFIGURATION RESEARCH OVER A COMPUTER-BASED
NETWORK

Examiner: McAllister, Steven B.

Art Unit: 3627

Atty Docket: HAR-003

Commissioner of Patents
Washington, D.C. 20231

RECEIVED

MAY 01 2003

RESPONSE TO RESTRICTION REQUIREMENT

GROUP 3600

Dear Sir:

The election requirement under 35 U.S.C. 121 is respectfully traversed. The Examiner's reasons for distinctness of the invention are misplaced in that the claims are not combination subcombination claims but are merely of different scope. For instance, Claim 8 (Group II) describes a method for enabling product configuration by a respondent at a computer system and sending information to another computer system over the network, and Claim 25 (Group V) describes a method for enabling product configuration which enables each user of a computer system to configure a product and returns information via a network to a network addressable site. Claim 1 (Group I) describes a system for product configuration having language similar to method Claim 8 (Group II), but describes the method in terms of an executed program on a computer system, while Claim 13 (Group III) describes a software program for enabling product configuration, except for sending information to another computer system, which is present in its dependent Claim 14. Furthermore, except for claims of Group IV, the claims of Groups I, II, III, and V are all in the same Class 705.

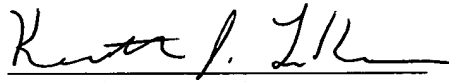
In cases such as these, it is appropriate for the Examiner to consider the claims of Groups I, II, III and V together if it would not be a serious burden on the Examiner (see MPEP 803, paragraph 2, and the second Criteria (B) for a proper restriction requirement

Handwritten notes: 5/6/03, 10/8/03, 4/21/03

there under). There is clearly no burden on the Examiner since he has already examined the claimed subject with respect to the claims of Groups I, II, III, and V (Applicants believe that that the examination of claims of Groups I, II and III should also cover the method claims of Group V). Moreover, there is no serious burden, as here the claims are all pertaining to computer systems, and methods or software on such system, for product configuration research. It is evident that there is no serious burden from the Examiner's statement on page 2, second paragraph, of the Office Action dated March 20, 2003, that only Group IV claims are patentably distinct from claims already examined, and that election of Group IV would be "a shift of invention". If Claims 1-15, 17-19, Claims 25-29 of Groups I, II, III and V, do not represent a "shift of invention", then this further supports that their examination can readily be made without serious burden on the Examiner. Thus, at this point in the examination of the application, Criteria (B) of MPEP 803, paragraph 2, is not met with respect to Groups I, II, III and V, and joinder of Claims into a single Group is appropriate. Thus, a proper restriction would be between Claims 20-24 and 30-39 to the web site, and Claims 1-15, 17-19, and 25-29. If such restriction is acceptable to the Examiner, Applicants elect Claims 1-15, 17-19, and 25-29; otherwise Applicants elect Claims 25-29 for the purpose of further examination.

Respectfully submitted,

Dated: April 21, 2003


Kenneth J. LuKacher
Attorney for Applicant(s)
Registration No. 38,539

South Winton Court
3136 Winton Road South, Suite 204
Rochester, New York 14623
Telephone: (585) 424-2670
Facsimile: (585) 424-6196

3627

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): Leonard R. Bayer et al.

Docket No.

HAR-003

Serial No.

09/882,203

Filing Date

06/15/2001

Examiner

Steven B. McAllister

Group Art Unit

3627

Invention: **SYSTEM AND METHOD FOR CONDUCTING PRODUCT CONFIGURATION RESEARCH
OVER A COMPUTER-BASED NETWORK**



I hereby certify that this Response to Restriction Requirement

(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

~~Assistant~~ Commissioner for Patents, Washington, D.C. 20231 on

April 21, 2003

(Date)

Tammy S. Moynihan

(Typed or Printed Name of Person Mailing Correspondence)

Tammy S. Moynihan

(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

RECEIVED

MAY 01 2003

GROUP 3600